

Amendment A
Application No. 10/707,791

AMENDMENTS TO THE DRAWINGS:

NO AMENDMENTS TO THE DRAWING IS REQUESTED

REMARKS

Claims 1-15 are pending in the application. Claims 1-6, 9-11, 14 and 15 stand rejected under 35 U.S.C. 103(a) over Werjefelt (US 4,683,880) and Dosch (US 5,113,854) in view of Baker (US 5,697,106). Claims 7, 8, 12 and 13 are objected to for depending from rejected base claims. The applicant hereby submits the following amendments and/or remarks, which are fully responsive to the Office Action. The Applicant respectfully asserts that claims 1 – 15 are in condition for allowance.

Claims 1 – 6, and 9 – 11 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Werjefelt (US 4,683,880) in view of Baker (US 5,697,106), where claims 1 and 9 are independent. Independent claims 1 and 9 both recite a neck seal or an annular sheet of elastomeric material forming a neck seal, which has a coating of parylene applied thereon. This is clearly described in the specification at paragraphs [0023] and [0034]. Whereas, the Werjefelt '880 and the Baker '106 references do not teach or suggest such a construction. Particularly, the Examiner utilizes the Baker reference to assert that the prior art teaches applying parylene to the neck seal. However, the Baker '106 reference teaches a necking or a neckable material which tends to cinch about body parts to protect the wearer. Baker '106 specifically teaches utilization of a neckable material or fabric and more particularly teaches the utilization of thermoplastic polymers for making fabric that can be made from parylene. However, the teaching of utilizing a neckable material or fabric made from a parylene fiber of fabric material does not teach or suggest the application of parylene as a coating over an elastomeric annular sheet. Further, independent claims 1 and 9 as amended recite a contiguous collar extending from the central

aperture or opening of the neck seal. This is clearly described in paragraph [0033] of the present application and in the drawing. The Werjefelt '880 and the Baker '106 references taken individually or in combination with each other or with the other references, do not teach or suggest this contiguous collar limitation. This contiguous collar as indicated in the detailed specification of the present application provides a fluid-tight interface between the breathing apparatus and the wearer's neck. Therefore, the applicant respectfully asserts that independent claims 1 and 9 are in condition for allowance and should proceed to issuance. Further, dependent claims 2 through 6 and 10 and 11 which depend from independent claims 1 and 9, are also allowable based on the above argument.

The Examiner also rejected Claims 9, 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Dosch et al (US 5,113,854) in view of Baker et al (US 5,697,106), where claims 9 and 15 are independent. Independent claims 9 and 15 as amended are in condition for allowance based on the same arguments asserted above by the Applicant. Specifically, the references cited taken individually or in combination do not teach or suggest all the claim limitations, specifically, the application of a parylene coating over an annular sheet of elastomeric material and further does not teach a contiguous collar extending from the central aperture or opening forming an fluid-tight interface.

The Examiner also noted that Claims 7, 8, 12 and 13 are objected to as depending from rejected base claims, but would be allowable if rewritten in independent form. However, Applicant asserts that the base claims as amended are now in condition for allowance and thus Claims 7, 8, 12 and 13 are now in condition for allowance.

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If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date:

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